

Dividing Christmas Ornaments and Other Personal Property in a Divorce Case

December 18, 2024

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Divorce is a challenging process, and dividing personal property often adds emotional complexity. While big-ticket items like homes and retirement accounts might take center stage, sentimental belongings—such as Christmas ornaments, family heirlooms, and collectibles—can be just as contentious. Understanding the legal framework and adopting practical strategies can help ensure a fair and amicable resolution.

Legal Considerations

- **Marital vs. Separate Property:**

- Generally, items acquired during the marriage are considered marital property and subject to division.
- Property inherited by or gifted to one spouse during the marriage typically remains separate property, as long as it has not been commingled with marital assets.
- If Christmas ornaments were acquired before the marriage or gifted individually, they might be classified as separate property.

- **State Laws on Property Division:**

- **Community Property States:** In these states, marital property is divided equally.
- **Equitable Distribution States:** Property is divided based on fairness, which may not always result in a 50/50 split.

- **Sentimental vs. Monetary Value:**

- Courts may not assign monetary value to sentimental items, but they may recognize their importance to both parties. If the parties cannot agree, a judge may make the final decision.

Practical Strategies for Dividing Sentimental Items

- **Create an Inventory:**

- Begin by making a detailed list of all personal property, including Christmas ornaments, holiday décor, and other sentimental items.
- Include photographs or descriptions to avoid disputes over the condition or identity of specific items.

- **Identify High-Priority Items:**

- Each spouse should separately identify items that hold the most sentimental value to them.

- This process can help pinpoint areas of potential compromise.
- **Negotiate and Trade:**
 - Consider trading items of comparable value. For example, one spouse might take the Christmas ornaments while the other keeps another collection of sentimental value, such as photo albums.
 - Use larger assets, like furniture or electronics, to balance out inequities in sentimental property division.
- **Collaborate During the Holidays:**
 - If children are involved, consider creating a shared holiday tradition, such as alternating who uses certain ornaments or decorations each year.
 - Split ornaments into meaningful categories (e.g., “childhood,” “collected during marriage”) to ensure an equitable distribution.
- **Use a Neutral Mediator:**
 - Mediation can be a helpful tool for resolving disputes over sentimental items. A neutral third party can provide guidance and help diffuse emotionally charged discussions.

Tips for Minimizing Conflict

- **Focus on the Big Picture:**
 - Remember that sentimental items, while important, are part of a larger process. Keeping the focus on achieving a fair overall settlement can reduce tension.
- **Consider Duplication:**
 - In some cases, items like photographs or digital holiday keepsakes can be duplicated, allowing both parties to retain a copy.
- **Consult an Attorney:**
 - An experienced family law attorney can provide insight into how local courts handle personal property disputes and guide negotiations.

Conclusion

Dividing Christmas ornaments and other personal property in a divorce requires a balance of legal knowledge, emotional intelligence, and practicality. While these items may not have significant monetary value, their emotional worth can be immense. By approaching the process with fairness, flexibility, and empathy, divorcing spouses can navigate this delicate aspect of property division with dignity and respect.